

REMARKS

In accordance with the foregoing, claims 1, 9 and 11 have been amended. Therefore, after entry of the foregoing claim amendments, claims 1-11 will remain pending and under examination. No new matter is being presented, and approval of the amended claims is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1-3 and 5-11 stand rejected as being unpatentable over Tagawa et al. (U.S. Patent No. 6,947,728) (hereinafter “Tagawa”) in view of Yamedera et al. (U.S. 2002/0123368) (hereinafter “Yamedera”). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1, for example, recites a timer operable to count time; and a non-telephone function stop unit operable to cause the timer to operate during execution of the non-telephone function, and automatically stop the execution of the non-telephone function when the timer indicates an elapse of a predetermined time period. A reset unit is operable, if the timer is being operated in response to the execution of the non-telephone function, to reset the timer to an initial state each time a predetermined operation relating to the telephone function is executed.

The Examiner notes on page 6 of the Action that Tagawa fails to teach or suggest an auto-power off unit, and thus Yamedera is cited as disclosing this feature (citing paragraph [0100] and Fig. 16). It is noted that claim 1 is amended herein to recite a non-telephone function stop unit, in order to clarify that the execution of the non-telephone function is stopped automatically.

The cited portion of Yamedera discloses that a letter string, “AUTO POWER OFF”, is displayed on a screen of a mobile phone. (See Fig. 16A). Yamedera further discloses that five function items are listed and that one of them is the “AUTO POWER OFF.” (See paragraph [0100]). However, the cited portions of Yamedera do not provide any further disclosure of the “AUTO POWER OFF.” It appears that the “AUTO POWER OFF” refers to automatically turning off the mobile phone.

Therefore, it is respectfully submitted that Yamedera fails to teach or suggest a timer operable to count time; and a *non-telephone function stop unit* operable to cause the timer to operate during execution of the *non-telephone function*, and automatically stop the execution of the non-telephone function when the timer indicates an elapse of a predetermined time period, as recited in independent claim 1.

Moreover, independent claim 1 is further characterized by a reset unit operable, if the timer is being operated in response to the execution of the non-telephone function, to reset the timer to an initial state each time a predetermined operation relating to the telephone function is executed. On pages 5-6 of the Action, the Examiner cites Tagawa as disclosing these features.

According to various embodiments of the present invention, since the reset unit resets the timer to its initial state each time a predetermined operation relating to the telephone function is executed, the timer starts counting time from the beginning. Accordingly, during a predetermined time counted by the timer, the non-telephone function, which is different from the telephone function, can be executed.

Tagawa describes “a unit operable to *count elapsed time* after a call arrives.” (See paragraph [0024]) (emphasis added). Tagawa further discloses that “*a call time* during stopping reproducing music data is counted.” (See paragraph [0099]) (emphasis added). According to Tagawa, control unit 103 starts counting the time elapsed from the point when the ring tone starts reproducing.

“The control unit 103 *counts the time elapsed* from the point when the ring tone starts reproducing, determines whether the communication unit 108 gives notice of starting communication *before the said counted elapsed time goes beyond a predetermined time*, thereby determining whether or not a user responded to a call within a predetermined time (S811). If the user responded to a call within a predetermine time, the control unit 103 finishes the process. On the other hand, if the user did not respond to a call within a predetermined time, it has the reproduction unit 106 stop reproducing the ring tone assuming that the user has no will to respond to a call (S812), resumes reproduction of music data if the reproduction thereof is stopped, and returns the sound volume of muse data to the ordinary volume (in a call waiting mode) if the music data is being reproduced as BGM, so as to complete the processing.” (Paragraph [0113]) (emphasis added).

Tagawa further discloses that the reproduction sound volume of music data v is faded out from $v1$ to 0 during the time of $t1 \leq t \leq t2$ as shown in the full line LA1, and at the same time, the sound volume of the ring tone is faded in from 0 to $v3$ during the time of $t1 \leq t \leq t2$ as shown in Fig. 13B. (See paragraph [0128]). In this case, Tagawa does not require the *reset* of a timer, because time between $t1$ and $t2$ can be counted by recording time $t1$ and time $t2$, and then calculating $t2-t1$.

Tagawa further discloses resuming reproduction at a position rewound for a specified number of seconds from the position of stopping reproduction. (See paragraph [0098]). Tagawa states, "in order to run back for a specified value, it is necessary in reproduction to store addresses per second, for example, in a RAM from the beginning of the file and calculate an appropriate address at which reproduction is resumed based thereon." (Paragraph [0100]).

In this manner, in the case of resuming the reproduction of music data at a point turned back for a predetermined amount of seconds from a point where the reproduction is stopped, a timer is unnecessary. Therefore, a reset of a timer is also unnecessary, since the device of Tagawa merely counts elapsed time and rewinds the reproduction appropriately.

Accordingly, it is respectfully submitted that Tagawa fails to teach or suggest a reset unit operable, if the timer is being operated in response to the execution of the non-telephone function, to reset the timer to an initial state each time a predetermined operation relating to the telephone function is executed, as recited in independent claim 1. Thus, Tagawa is incapable of create an effect that enables the execution of the non-telephone function that is different from the telephone function during a predetermined time counted by the timer.

As a result, it is respectfully submitted that amended independent claim 1 patentably distinguishes over both Yamedera and Tagawa, alone or in combination. Independent claim 11 recites features substantially similar to those described above with respect to claim 1. Therefore, it is respectfully submitted that independent claim 11 patentably distinguishes over Tagawa and Yamedera for at least the foregoing reasons.

Claims 2-3 and 5-10 depend from independent claim 1 and inherit the patentability thereof. Therefore, the pending dependent claims patentably distinguish over the cited art for at least the reasons presented herein.

Dependent claim 4 stands rejected as being unpatentable over Tagawa in view of Yamedera, and further in view of Yoshinaga (U.S. Patent No. 7,096,045). Claim 4 inherits the patentability of independent claim 1, which patentably distinguishes over Tagawa and Yamedera for the reasons presented above. Further, Applicants submit that Yoshinaga fails to cure the deficiencies of the cited art described herein.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542005000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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